

GREGORY P. GULIA
DIRECT DIAL: 212.692.1027
E-MAIL: gpgulia@duanemorris.com

www.duanemorris.com

SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J. 5/3/12

April 27, 2012

BY HAND

The Hon. William H. Pauley III
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
Room 2210
New York, NY 10007

Re: Capitol Records, LLC, et al. v. MP3tunes, Inc., et al.
No. 07 Civ. 9931 (WHP)

Dear Judge Pauley:

Pursuant to Your Honor's Individual Practice Rules, we write on behalf of all parties in this action to request a brief adjournment of the deadlines for the motions *in limine*, *voir dire* questions, verdict forms, jury instructions, and pretrial memoranda (the "Pretrial Deadlines") pending the Court's determination of the parties' requests for leave to move for reconsideration of Your Honor's Orders dated October 25, 2011 and October 16, 2009 (the "Orders") in light of the Second Circuit's decision in *Viacom Int'l., Inc. v. YouTube, Inc.*, No. 10-3270 (April 5, 2012). Given the potential impact that a modification of the Orders would have on the upcoming trial, the parties respectfully submit that such an adjournment would be appropriate pending a resolution of these issues.

We thank the Court for its consideration of this request.

Respectfully submitted,

Gregory P. Gulia

cc: All Counsel of Record (by e-mail)

DUANE MORRIS LLP

1540 BROADWAY, NEW YORK, NY 10036-4086

PHONE: 212.692.1000 FAX: 212.692.1020

FIRM and AFFILIATE OFFICES

NEW YORK
LONDON
SINGAPORE
LOS ANGELES
CHICAGO
HOUSTON
HANOI
PHILADELPHIA
SAN DIEGO
SAN FRANCISCO
BALTIMORE
BOSTON
WASHINGTON, DC
LAS VEGAS
ATLANTA
MIAMI
PITTSBURGH
NEWARK
BOCA RATON
WILMINGTON
PRINCETON
LAKE TAHOE
HO CHI MINH CITY